

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

PETER ROGAN, et al.,
Defendants.

Case No. 02 C 3310

Chicago, Illinois
February 16, 2010
9:00 o'clock a.m.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JOHN W. DARRAH

APPEARANCES:

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1 THE CLERK: 02 C 3310, United States versus Peter
2 Rogan.

3 MS. LA VINE: Good morning, your Honor. Lindsay
4 Levine, L-A-V-I-N-E, on behalf of the claimants, Jerry and
5 Diane Whitlow.

6 THE COURT: Good morning, Ms. LaVine.

7 MS. JAMES: Good morning, your Honor. Catherine
8 James on behalf of 410 Montgomery.

9 THE COURT: Good morning, Ms. James.

10 MR. STEWART: Good morning, your Honor. Joseph
11 Stewart on behalf of the United States.

12 THE COURT: Good morning, Mr. Stewart.

13 And we have the ongoing saga of the United States
14 of America versus Peter Rogan.

15 MR. STEWART: Correct, your Honor.

16 THE COURT: This comes on this morning on a motion
17 for clarification. Do you have any response to that,
18 Mr. Stewart?

19 MR. STEWART: Your Honor, we would like to file a
20 response. And there's another party also who couldn't be
21 here today, Gabriel Eisenberg with Howard Simon, who actually
22 says that he represents 410 Montgomery at this point.

23 THE COURT: I see. The plot is even thicker than
24 we thought?

25 MR. STEWART: Yes, the plot is getting thicker, but

1 I hope it will come to some resolution.

2 You know, the summary judgment order that this

3 Court entered resolved most of the issues in this case.

4 There are still a few issues that need to be resolved.

5 THE COURT: Right.

6 Do you have any objection to going off the record

7 for a moment?

8 MR. STEWART: No, your Honor.

9 MS. LA VINE: No, your Honor.

10 MS. JAMES: No, your Honor.

11 (Discussion had off the record.)

12 THE COURT: Mr. Stewart has asked for 14 days to

13 file a response.

14 THE CLERK: March 2nd.

15 THE COURT: Seven days to reply?

16 MS. LA VINE: That's fine.

17 THE CLERK: March 9th.

18 THE COURT: And a status date as to that.

19 THE CLERK: April 14th at 9:00 a.m.

20 MR. STEWART: May I ask also for leave for Gabriel

21 Eisenberg of Howard Simon to file a response to the motion

22 for clarification?

23 THE COURT: Yes.

24 MR. STEWART: Thank you.

25 MS. LA VINE: Your Honor, just to clarify, the

1 Whitlows, their claim was that Jerry and Diane Whitlow each
2 owned a one-sixth interest in Taylor Row, which comes out to
3 being approximately \$398,000, and that Jerry had an interest
4 in the profits from the sale of -- I believe it was his work
5 with the Jones Square Condominiums. And does that mean that
6 in lieu of the order that we -- that the Whitlows are
7 precluded from the money that has --

8 THE COURT: It means that the order is what the
9 order is, except that there is a motion to clarify the order
10 as to certain claimants, and I'm going to rule on that motion
11 to clarify.

12 MS. LA VINE: Your Honor, would you like us to file
13 a motion to --

14 THE COURT: I would not encourage you to do that,
15 but I suppose you have a right to do that.

16 MS. LA VINE: Okay.

17 MS. JAMES: Your Honor, I believe the order also
18 says that today we'll set a hearing date for the remaining
19 funds that --

20 THE COURT: No. I think what Mr. Stewart was
21 leading up to was that all the sides should probably meet and
22 confer regarding how to dispose of the remaining issues.

23 MR. STEWART: Yes.

24 And, your Honor, one thing that we would like to do
25 is, we would like to file a motion that addresses Judge

1 Kennelly's ruling in that other proceeding --

2 THE COURT: Why don't we use that status date as a
3 scheduling date for further proceedings.

4 MR. STEWART: Okay.

5 THE COURT: Counsel, is that fair enough? Is that
6 what you were driving at?

7 MS. JAMES: Yes.

8 THE COURT: Okay.

9 MR. STEWART: Okay. Then the next status date
10 would be?

11 THE CLERK: April 14th at 9:00 a.m.

12 MR. STEWART: Very good.

13 THE COURT: Okay.

14 MS. LA VINE: Thank you, your Honor.

15 MR. STEWART: Thank you, your Honor.

16 (Which were all the proceedings heard.)

17 CERTIFICATE

18 I certify that the foregoing is a correct transcript
19 from the record of proceedings in the above-entitled matter.

20

21 /s/ *Mary M. Hacker*

February 25, 2010

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23 _____
Mary M. Hacker
Official Court Reporter

Date

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